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DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled "CARDIAC VALVE PROCEDURE METHODS AND DEVICES", the specification of which is filed herewith, and is identified by Attorney's Docket No. VIA-3.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby appoint Pandiscio & Pandiscio, a firm composed of Nicholas A. Pandiscio, Registration No. 17293, Mark J. Pandiscio, Registration No. 30883, Scott R. Foster, Registration No. 20570, and James A. Sheridan, Registration No. 43,114, or any of them, of

VIA-3

470 Totten Pond Road, Waltham, Massachusetts 02451-1914, (Telephone No. 781-290-0060), my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's signature: \_\_\_\_\_

Inventor's full name: Gregory H. Lambrecht

Date: \_\_\_\_\_

10/19/2000

Residence: \_\_\_\_\_

220 Eliot Street

Natick, Massachusetts 01760

Post Office Address: Same

Citizenship: \_\_\_\_\_

U.S.A.

VIA-3

- 3 -

Inventor's signature: *J.M. Liddicoat*  
Inventor's full name: John Liddicoat  
Date: 10/23/00  
Residence: Barberry Farm, Barberry Road  
Sewickley, Pennsylvania 15143  
Post Office Address: Same  
Citizenship: U.S.A.

Inventor's signature: *Robert Kevin Moore*  
Inventor's full name: Robert Kevin Moore  
Date: 10-19-2000  
Residence: 4 Rolling Lane  
Natick, Massachusetts 01760  
Post Office Address: Same  
Citizenship: U.S.A.

MB/VIA3.DEC

VIA-3

DECLARATION AND POWER OF ATTORNEY

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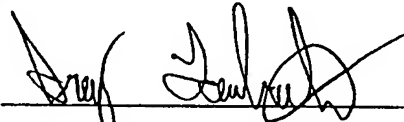
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Inventor's signature:



Inventor's full name: Gregory H. Lambrecht

Date:

10/19/2000

Residence:

220 Eliot Street

Natick, Massachusetts 01760

Post Office Address: Same

Citizenship:

U.S.A.

Inventor's signature: \_\_\_\_\_  
Inventor's full name: John Liddicoat  
Date: \_\_\_\_\_  
Residence: Barberry Farm, Barberry Road  
Sewickley, Pennsylvania 15143  
Post Office Address: Same  
Citizenship: U.S.A.

Inventor's signature: Robert Kevin Moore  
Inventor's full name: Robert Kevin Moore  
Date: 10-19-2000  
Residence: 4 Rolling Lane  
Natick, Massachusetts 01760  
Post Office Address: Same  
Citizenship: U.S.A.

MB/VIA3.DEC

VIA-3

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Gregory H. Lambrecht et al.  
For: CARDIAC VALVE PROCEDURE METHODS AND  
DEVICES  
Attorney's Docket No.: VIA-3

Assistant Commissioner For Patents  
Washington, D.C. 20231

VERIFIED STATEMENT CLAIMING SMALL BUSINESS ENTITY STATUS

The undersigned, Todd Davenport, hereby declares that he is Chairman, CEO, and President of VIACOR, Inc., a Delaware corporation having a principal place of business at 66-H Concord Street, Wilmington, Massachusetts 01887, and is empowered to act on behalf of said corporation in this matter; that said corporation qualifies as a small business concern as defined in 13 C.F.R. 121.3-18 for purposes of paying reduced fees under Title 35, United States Code, Sections 41(a) and (b), in that the number of employees of said corporation, including those of its affiliates, does not exceed 500 persons; and that on information and belief, exclusive rights under contract have been conveyed to and remain in said corporation with regard to the invention described and claimed in the above-identified U.S. patent application

For purposes of this statement, the number of employees of said corporation is the average over the previous fiscal year of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and concerns are affiliates of each other when either directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, Section 1001, and that such willful false statements may jeopardize the validity of the above-identified application, any patent issuing thereon, or any patent to which this verified statement is directed.

10/19/00  
Date

MB/VIA3.VS

VIACOR, Inc.

Todd F. Davenport  
Todd Davenport  
Chairman, CEO, and President





### ASSIGNMENT

We, Gregory H. Lambrecht, John Liddicoat, and Robert Kevin Moore,  
residing respectively at 220 Eliot Street,  
Natick, MA 01760; Barberry Farm, Barberry Road, Sewickley, PA 15143, and  
4 Rolling Lane, Natick, MA 01760

having invented improvements in CARDIAC VALVE PROCEDURE METHODS AND DEVICES  
and having this day executed an application for United States patent describing  
the same and based thereon (and we hereby authorize our attorney(s), authorized  
to prosecute said application, to here insert the filing date and serial number  
of said application, when known, Serial No. \_\_\_\_\_, Filed \_\_\_\_\_),  
for good and valuable consideration, receipt of which is hereby acknowledged  
from VIACOR, Inc. a Delaware

\_\_\_\_\_ corporation having its principal place of business in  
Wilmington, MA hereinafter called the Assignee  
(which term shall include its successors and assigns) do hereby sell, assign  
and transfer unto the Assignee our entire right, title, and interest, in and  
throughout the United States of America (including its territories and depend-  
encies) and all countries foreign thereto, in and to and under said application  
(which term shall include hereinafter where the context so admits all division-  
al, continuing, reissue and other patent applications based thereon) and the  
inventions (which term shall include each and every such invention, or any part  
thereof) therein described, and any and all patents and like rights of exclu-  
sion (including extensions thereof) of any country which may be granted on or  
for said inventions or on said application.

And for the same consideration we do also hereby sell, assign and transfer unto  
the Assignee all our rights under the International Convention for the Protec-  
tion of Industrial Property and all other treaties of like purpose in respect  
of said inventions and said application and we do hereby authorize the Assignee  
to apply in our names or its own name for patents and like rights of exclusion  
on or for said inventions in all countries, claiming (if the Assignee so de-  
sires) the priority of the filing date of said application under the provisions  
of said Convention or any such other treaty;

And for the same consideration we do hereby jointly and severally agree for  
ourselves and for our respective heirs, executors and administrators, promptly  
upon request of the Assignee, to execute and deliver without further compensa-  
tion any power of attorney, assignment, original, divisional, continuing, re-  
issue or other application or applications for patent or patents or like  
rights of exclusion of any country, or other lawful documents and any further  
assurances that may be deemed necessary or desirable by the Assignee fully to  
secure to it said right, title, and interest as aforesaid in and to said in-  
ventions, application, and said several patents and like rights of exclusion,  
or any of them, all, however, at the expense of the Assignee;

And we do hereby authorize and request the Commissioner of Patents of the  
United States of America and the corresponding Officer of each country foreign  
thereto to issue to the Assignee any and all patents and like rights of ex-  
clusion which may be granted in any country upon said application or on or for  
said inventions;

DOCKET  
NO.

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- 1 -

### ASSIGNMENT

We, Gregory H. Lambrecht, John Liddicoat, and Robert Kevin Moore,  
residing respectively at 220 Eliot Street,  
Natick, MA 01760, Barberry Farm, Barberry Road, Sewickley, PA 15143, and  
4 Rolling Lane, Natick, MA 01760  
having invented improvements in CARDIAC VALVE PROCEDURE METHODS AND DEVICES  
and having this day executed an application for United States patent describing  
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Wilmington, MA hereinafter called the Assignee  
(which term shall include its successors and assigns) do hereby sell, assign  
and transfer unto the Assignee our entire right, title, and interest, in and  
throughout the United States of America (including its territories and depend-  
encies) and all countries foreign thereto, in and to and under said application  
(which term shall include hereinafter where the context so admits all division-  
al, continuing, reissue and other patent applications based thereon) and the  
inventions (which term shall include each and every such invention, or any part  
thereof) therein described, and any and all patents and like rights of exclu-  
sion (including extensions thereof) of any country which may be granted on or  
for said inventions or on said application.

And for the same consideration we do also hereby sell, assign and transfer unto  
the Assignee all our rights under the International Convention for the Protec-  
tion of Industrial Property and all other treaties of like purpose in respect  
of said inventions and said application and we do hereby authorize the Assignee  
to apply in our names or its own name for patents and like rights of exclusion  
on or for said inventions in all countries, claiming (if the Assignee so de-  
sires) the priority of the filing date of said application under the provisions  
of said Convention or any such other treaty;

And for the same consideration we do hereby jointly and severally agree for  
ourselves and for our respective heirs, executors and administrators, promptly  
upon request of the Assignee, to execute and deliver without further compensa-  
tion any power of attorney, assignment, original, divisional, continuing, re-  
issue or other application or applications for patent or patents or like  
rights of exclusion of any country, or other lawful documents and any further  
assurances that may be deemed necessary or desirable by the Assignee fully to  
secure to it said right, title, and interest as aforesaid in and to said in-  
ventions, application, and said several patents and like rights of exclusion,  
or any of them, all, however, at the expense of the Assignee;

And we do hereby authorize and request the Commissioner of Patents of the  
United States of America and the corresponding Officer of each country foreign  
thereto to issue to the Assignee any and all patents and like rights of ex-  
clusion which may be granted in any country upon said application or on or for  
said inventions;

DOCKET  
NO.

VIA-3

And we do hereby jointly and severally covenant for ourselves and for our respective legal representatives and agree with the Assignee that we have granted no right or license to make, use or sell said inventions to anyone except the Assignee, that prior to the execution of this deed our right, title and interest in and to said inventions has not been otherwise encumbered by us, and that we have not executed and will not execute any instrument in conflict herewith.

IN WITNESS WHEREOF, we hereunto set our hands and seals on the day and year hereinafter noted.


  
Gregory H. Lambrecht 10/19/2000

John Liddicoat  
  
Robert Kevin Moore 10-19-2000

State of Massachusetts )  
County of Middlesex ) ss.

Before me this 19th day of October,  
192000, personally appeared Gregory H. Lambrecht, who is to me personally known, and acknowledged the foregoing instrument to be his free act and deed.

SEAL

  
NOTARY PUBLIC  
My commission expires April 17, 2003.

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.

Before me this \_\_\_\_\_ day of \_\_\_\_\_,  
192000, personally appeared John Liddicoat, who is to me personally known, and acknowledged the foregoing instrument to be his free act and deed.


SEAL

\_\_\_\_\_  
NOTARY PUBLIC

State of Massachusetts )  
County of Middlesex ) ss.

Before me this 19th day of October,  
192000, personally appeared Robert Kevin Moore, who is to me personally known, and acknowledged the foregoing instrument to be his free act and deed.

SEAL


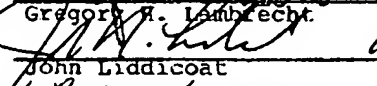
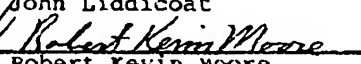
  
NOTARY PUBLIC  
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DOCKET  
NO.

VIA-3

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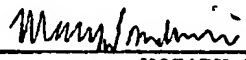
IN WITNESS WHEREOF, we hereunto set our hands and seals on the day and year hereinafter noted.

  
Gregory H. Lambrecht 10/19/2000  
  
John Liddicoat 10/20/00  
  
Robert Kevin Moore 10-19-2000

State of Massachusetts  
County of Middlesex ss.

Before me this 19th day of October,  
192000, personally appeared Gregory H. Lambrecht, who is to me personally known, and acknowledged the foregoing instrument to be his free act and deed.

SEAL

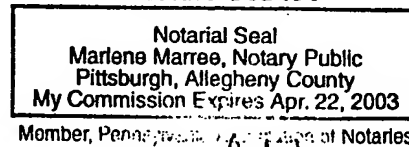
  
NOTARY PUBLIC  
My commission expires April 17, 2003.

State of Pennsylvania  
County of Allegheny ss.

Before me this 23rd day of October,  
192000, personally appeared John Liddicoat, who is to me personally known, and acknowledged the foregoing instrument to be his free act and deed.

SEAL

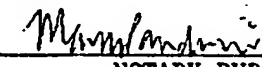
  
NOTARY PUBLIC



State of Massachusetts  
County of Middlesex ss.

Before me this 19th day of October,  
192000, personally appeared Robert Kevin Moore, who is to me personally known, and acknowledged the foregoing instrument to be his free act and deed.

SEAL

  
NOTARY PUBLIC  
My commission expires April 17, 2003.

DOCKET  
NO.

VIA-3